

Constitutional Defense Council

Public Lands Policy Coordination Office

**Olmsted Room
Utah State Capitol Complex
June 3, 2010
3:30 PM**

Minutes

Attendees:

Council Members:

Greg Bell, Lt. Governor
Kevin Carter, Director, SITLA
Dennis Stowell, Senator, Utah Senate
Riley Cutler, GOED
Jim Gowans, Representative, Utah
House of Representatives
Brent Goodfellow, Senator, Utah Senate
Jim Eardley, Commissioner, Washington
County
John Swallow, Deputy Attorney
General, Attorney General's Office
Michael Noel, Representative, Utah
House of Representatives

Maloy Dodds, Commissioner, Garfield
County

Guests:

Michael McKee, Commissioner,
Uintah County
Ted Wilson
Shawn Welch
Mark Ward
Michael Mower, GOPB
Les Childs

Staff:

John Harja, Director, PLPCO
Harry Souvall, AG
John Hurst, PLPCO
Clare Duignan, PLPCO

The meeting was called to order at 3:34 PM.

The October 2009 minutes were unanimously approved.

Prairie Dogs in Iron County – Sen. Dennis Stowell & Les Childs

- Iron County, as well as Garfield, Wayne, and Kane counties have many prairie dogs, many of which are moving into developed areas.
- The white-tailed prairie dog is listed as a threatened species under the provisions of the Endangered Species Act (ESA)
- The white tailed prairie dog is found only in Utah.
- \$1.9 million has been spent on state efforts to allow take of prairie dogs under the provisions of the ESA.
- The prairie dog problem in Equestrian Pointe has had severe economic implications because it has become impossible to sell the lots.
- Prairie dogs carry disease, and should be moved for the safety of people.

- Mark Ward said banks are reluctant to loan purchase amounts until the prairie dog issue is resolved.
- Property tax assessment: \$20,000 per acre devaluation.
- The following questions were asked by the Lt. Governor and others:
 - How successful have the moving plans been?
 - Not very successful. There has been a 90% mortality rate.
 - Recovery criteria only allow prairie dogs on public lands to be counted.
 - Is there a recommendation for what to do?
 - Request that the federal government pay for the recovery plan.
 - Deal with the Department of Natural Resources.
- The Lt. Governor wants the following done on this issue:
 - Further research.
 - Consider litigation.
 - Clearly demonstrate the effects to the local economy.
- Other side of the issue is the Wild Earth Guardians located in Albuquerque, who want more protections.
- Commissioner Dodds mentioned that Garfield County is having the same problem with prairie dogs, and that there hasn't been much success moving them.
- Representative Noel made a motion to research and discuss the issue. The motion carried unanimously.

Tenth Circuit Hearing on Kane Co. Road Issues – Rep. Mike Noel & Shawn Welch

- A Quiet Title Action has been filed on several roads in Kane County.
- A motion for summary judgment will be filed soon.
- Hole in the Rock Road case & Bald Knoll Road case.
- Bald Knoll Intervention Case. Separate dissents. Unanimous decision to keep SUWA from intervening
- Federal government needs to show it'll at least consider some of the roads.
- Federal government still won't concede Bald Knoll is an R..S 2477 road.
- Need to get a B road precedent established.
- State recordation exhibits make it easier to plead the case.
- Harry Souvall said he will continue his best efforts to move forward on this case.
- Suggestion was made to talk to the Secretary of the Interior, Ken Salazar, while continuing the litigation. Allow the litigation to go forward without grandstanding so as not to burn bridges between Governor Herbert and Secretary Salazar.

Report by Public Lands Policy Coordination Office – John Harja

- Carbon County:
 - Believes it was improperly excluded by the process concerning the Bill Barrett Corporation West Tavaputs project.
 - SITLA lands involved.
 - Gates to go up on roads.
 - Gates going in for life of the project; no general public access.
- Proposal to go into closed session (for client confidentiality) to finish report.

Next meeting date was set for July 15, 2010. After closed session the date was changed to July 8, 2010.

Rep. Noel moved to go into a closed session. Unanimously passed.

Return to open session at 5:45 p.m., and meeting adjourned thereafter.